

OFFICIAL GAZETTE

GOVERNMENT OF GOA

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Department of Personnel

Notification

1/7/84-PER

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, and in supersession of the existing recruitment rules for the relevant posts, the Governor of Goa hereby makes the following rules to regulate the recruitment to the Goa General Service, Group 'A' Gazetted post in the Directorate of Health Services, Government of Goa, namely:—

1. Short title, application and commencement: —

(1) These rules may be called the Government of Goa, Directorate of Health Services, Group 'A' Gazetted posts, Recruitment Rules, 1993.

(2) They shall apply to the posts specified in column 1 of the Schedule to these rules (hereinafter called as the "said Schedule").

(3) They shall come into force from the date of their publication in the Official Gazette.

2. Number, classification and scales of pay: —

The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule:

Provided that the Government may vary the number of posts in Column 2 of the said Schedule from time to time subject to exigencies of work.

3. Method of recruitment, age limit and other qualifications: — The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in Columns 5 to 13 of the said Schedule.

4. Disqualification: — No person who has entered into or contracted a marriage with a person having a spouse living or who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service:

Provided that the Government may, if, satisfied that such marriage is permissible under the personal Law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. Power to relax: — Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing and in consultation with the Goa Public Service Commission, relax, any of the provisions of these rules with respect to any class or category of persons.

6. Saving: — Nothing in these rules shall affect reservation, relaxation of age limit and other concessions required to be provided for Scheduled Castes and other special categories of persons in accordance with the orders issued by the Government from time to time in that regard.

7. These rules are issued in consultation with the Goa Public Service Commission vide their letter No. COM/II/13/24(3)/93 dated 28-7-1993.

By order and in the name of the Governor of Goa.

S. S. Keshkamat, Under Secretary (Personnel).

Panaji, 30th September, 1993.

SCHEDULE

Name/ Designation of post	Number of posts	Classification	Scale of Pay	Whether Selection post or non- Selection post	Age limit for direct recruits	Whether the benefit of added years of service is admissible under Rule 30 of CCS (Pension) Rules, 1972	Educational and other qualifications required for direct recruits	Whether age & edu- cational qualifica- tions pres- cribed for the direct recruits will apply in the case of promotees	Period of proba- tion if any	Method of recruitment whe- ther by direct recruitment or by deputation/trans- fer/contract and percentage of the vacancies to be filled by various methods	In case of recruitment by promotion/deputa- tion/transfer, grades from which promo- tion/deputation/ transfer is to be made	If a D.P.C. exists, what is its com- position	Circum- stances in which Goa Public Service Commission is to be consulted in making recruitment
1	2	3	4	5	6	6(a)	7	8	9	10	11	12	13
Ayurvedic Physician	1 (1993) sub- ject to vari- ation de- pend- ent on work- load.	Goa Gene- ral Service Group 'A' Ga- zatted	Rs. 2200- 75- 2800- EB- 100- 400+ N.P.A. as under below Rs. 3000/- Rs. 600/- Rs. 3000/- and above but below Rs. 3700/- Rs. 800/- Rs. 3700/- and above Rs. 900/-	N. A.	Not ex- ceeding 35 years (Relaxa- ble for Govern- ment ser- vants upto 5 years in ac- cordan- ce with instruc- tions or orders issued by the Govern- ment).	No	Essential: (i) Recognised Me- dical degree qua- lifications inclu- ded in the second, third and fourth schedules of In- dian Medicine Central Council Act, 1970. (ii) Enrolment on the Central or State Register of In- dian Medicine. (iii) Three years pro- fessional experi- ence in Ayurvedi preferably in a recognised hos- pital or a dispen- sary. Destrable: Knowledge o f Konkani and / or Marathi.	N. A.	Two years	By direct rec- ruitment fall- ing which by transfer on deputation.	Transfer on deputation: Officers under the Cen- tral/State Govern- ments/ Union Terri- tories:— a (i) holding analo- gous posts on regular basis; or (ii) with 5 years regular service in the posts in the scale of Rs. 1640-2900 or equivalent; and (b) possessing edu- cational quali- fications and experience pres- cribed for direct recruits under Col. 7.	Group 'A' D.P.C. consis- ting of:— (i) Chair- man/ Mem- ber, G.P. S.C.- Chair- man (ii) Chief Sec- retary or his nomi- nee- Mem- ber (iii) Ad- minis- tra- tive Secre- tary/ Head of De- part- ment and mem- ber (for pro- mo- tion and con- firma- tion only)	As re- quired under the GPSC (Ex- emption from consul- tation) Regu- lations, 1988. Consul- tation with the G.P.S.C. neces- sary while making direct recruit- ment, promo- tion, select- ing an Officer for ap- point- ment on deputa- tion and amend- ing/ /relax- ing any of the provi- sion of these rules.

Law (Legal and Legislative Affairs) Department

Notification

10-2-92/LA(Part)

The Criminal Law (Amendment) Act, 1993 (Central Act 42 of 1993) which has been passed by Parliament and assented to by the President of India on 22-5-1993 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 22-5-1993, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 4th November, 1993.

THE CRIMINAL LAW (AMENDMENT) ACT, 1993

AN

ACT

further to amend the Indian Penal Code and the Code of Criminal Procedure, 1973.

Be it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Criminal Law (Amendment) Act, 1993.

2. *Insertion of new section 364A.*—In the Indian Penal Code, after section 364, 45 of 1860. the following section shall be inserted, namely:—

“364A.—*Kidnapping for ransom, etc.*—Whoever kidnaps or abducts any person, or keeps a person in detention after such kidnapping or abduction, and threatens to cause death or hurt to such person, or by his conduct gives rise to a reasonable apprehension that such person may be put to death or hurt, or causes hurt or death to such person in order to compel the Government or any other person to do or abstain from doing any act or to pay a ransom, shall be punishable with death, or imprisonment for life, and shall also be liable to fine.”

3. *Amendment of section 39.*—In section 39 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the Criminal Procedure Code), in sub-section (1), after clause (v), the following clause shall be inserted, namely:—

“(va) section 364A (that is to say, offence relating to kidnapping for ransom, etc.);”.

4. *Amendment of the First Schedule.*—In the First Schedule to the Criminal Procedure Code, under the heading “I.—OFFENCES UNDER THE INDIAN PENAL CODE”, after the entries relating to section 364, the following entries shall be inserted, namely:—

1	2	3	4	5	6
“364A	Kidnapping for ransom, etc.	Death, or imprisonment for life, and fine	Ditto	Ditto	Ditto.”

Notification

10-2-92/LA(Part)

The Beedi and Cigar Workers (Conditions of Employment) Amendment Act, 1993 (Central Act 41 of 1993) which has been passed by Parliament and assented to by the President of India on 22-5-1993 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 22-5-1993, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 4th November, 1993.

THE BEEDI AND CIGAR WORKERS (CONDITIONS OF EMPLOYMENT) AMENDMENT ACT, 1993

AN

ACT

to amend the Beedi and Cigar Workers (Conditions of Employment) Act, 1966.

Be it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Beedi and Cigar Workers (Conditions of Employment) Amendment Act, 1993.

(2) It shall come into force in a State on such date as the State Government may, by notification in the Official Gazette, appoint; and different dates may be appointed by the State Government for different areas and for different provisions of this Act.

2. *Amendment of section 2.*—In section 2 of the Beedi and Cigar Workers (Conditions of Employment) Act, 1966 32 of 1966. (hereinafter referred to as the principal Act),—

(a) in clause (f),—

(i) in the opening paragraph, after the word “establishment”, the words “or godown” shall be inserted;

(ii) in sub-clause (ii), after the words “or contractor”, the words “or both” shall be inserted;

(b) after clause (h), the following clause shall be inserted, namely:—

“(hh) “godown” means any warehouse or other place, by whatever name called, used for the storage of—

(i) any article or substance required for any manufacturing process; or

(ii) beedi or cigar or both;”;

(c) in clause (i), the words “and includes a godown attached thereto” shall be added at the end.

3. *Insertion of new section 7A.*—After section 7 of the principal Act, the following section shall be inserted, namely:—

“7A. *Inspector not to disclose the source of any complaint, etc.*—(1) No Inspector shall

disclose the source of any complaint made to him regarding the contravention of any of the provisions of this Act.

(2) No Inspector shall, while making an inspection under this Act in pursuance of a complaint received by him, disclose to the employer or contractor concerned or any of his representatives that the inspection is being made in pursuance of a complaint:

Provided that nothing in this section shall apply to any case in which the person who has made the complaint has consented to disclose his name."

4. *Amendment of section 14.*—In section 14 of the principal Act, in sub-section (1), for the word "fifty", the word "thirty" shall be substituted.

5. *Amendment of section 18.*—In section 18 of the principal Act, after sub-section (2), the following *Explanation* shall be inserted, namely:—

"Explanation.—Where an employee had not worked on any day of the week immediately preceding the week in which the overtime work has been done, any week preceding such week in which he had actually worked shall be taken into account in calculating the overtime rate for the purposes of this sub-section."

6. *Amendment of section 21.*—In section 21 of the principal Act, to sub-section (1), the following proviso shall be added, namely:—

"Provided that copy of every such notice shall be sent to the Inspector having jurisdiction over the industrial premises within two weeks from the date on which such notice is exhibited in the industrial premises."

7. *Amendment of section 31.*—In section 31 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

"(2A) The appellate authority shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, when trying a suit, in respect of the following matters, namely:—

(a) enforcing the attendance of any person and examining him on oath; and

(b) compelling the production of documents and material objects."

8. *Amendment of section 32.*—In section 32 of the principal Act, for the words "three months" and "five hundred rupees", the words "six months" and "five thousand rupees" shall, respectively, be substituted.

9. *Amendment of section 39.*—In section 39 of the principal Act in sub-section (2), for the portion beginning with the words "shall be settled" and ending with the words "specify in this behalf", the following shall be substituted, namely:—

"shall be referred to settlement within such time and by such authority as the State Govern-

ment may, by rules, specify in this behalf and such rules may also provide for the summary manner in which such dispute shall be settled".

10. *Amendment of section 44.*—In section 44 of the principal Act, in sub-section (2), in clause (w), for the words "authority by which and the manner in which a dispute as to the issue of raw materials shall be settled", the words "the time within which a dispute specified in sub-section (2) of section 39 shall be referred for settlement, the authority by which and the summary manner in which such dispute shall be settled" shall be substituted.

Notification

10-2-92/LA (Part)

The Industrial Finance Corporation (Transfer of Undertaking and Repeal) Act, 1993 (Central Act 23 of 1993) which has been passed by Parliament and assented to by the President of India on 2-4-1993 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 2-4-1993, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 24th November, 1993.

THE INDUSTRIAL FINANCE CORPORATION (TRANSFER OF UNDERTAKING AND REPORT) ACT, 1993

AN

ACT

to provide for the transfer and vesting of the undertaking of the Industrial Finance Corporation of India to and in the Company to be formed and registered as a Company under the Companies Act, 1956, and for matters connected therewith or incidental thereto and also to repeal the Industrial Finance Corporation Act, 1948.

Be it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Industrial Finance Corporation (Transfer of Undertaking and Repeal) Act, 1993.

(2) It shall be deemed to have come into force on the 1st day of October, 1992.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "appointed day" means such date as the Central Government may, by notification in the Official Gazette, appoint under section 3;

(b) "Company" means the Industrial Finance Corporation of India Limited to be formed and registered under the Companies Act, 1956:

1 of 1956

(c) "Corporation" means the Industrial Finance Corporation of India established under sub-section (1) of

section 3 of the Industrial Finance Corporation Act, 1948. 15 of 1948.

3. *Undertaking of the Corporation to vest in the Company.* — On such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be transferred to, and vest in, the Company, the undertaking of the Corporation.

4. *General effect of vesting of undertaking in the Company.* — (1) Every shareholder of the Corporation immediately before the appointed day shall be deemed to be registered on and from the appointed day as a shareholder of the Company to the extent of the face value of the shares held by such shareholder.

(2) The undertaking of the Corporation which is transferred to and which vests in the Company under section 3 shall be deemed to include all business, assets, rights, powers, authorities and privileges and all properties, movable and immovable, real and personal, corporeal and incorporeal, in possession or reservation, present or contingent of whatever nature and wheresoever situate including lands, buildings, vehicles, cash balances, deposits, foreign currencies, disclosed and undisclosed reserves, reserve fund, special reserve fund, benevolent reserve fund, any other fund, stocks, investments, shares, bonds, debentures, security, management of any industrial concern, loans, advances and guarantees given to industrial concerns, tenancies, leases and book debts and all other rights and interests arising out of such property as were immediately before the appointed day in the ownership, possession or power of the Corporation in relation to its undertaking, within or without India, all books of accounts, registers, records and documents relating thereto and shall also be deemed to include all borrowings, liabilities and obligations of whatever kind within or without India then subsisting of the Corporation in relation to its undertaking.

(3) All contracts, deeds, bonds, guarantees, powers of attorney, other instruments and working arrangements subsisting immediately before the appointed day and affecting the Corporation shall cease to have effect or to be enforceable against the Corporation and shall be of as full force and effect against or in favour of the Company in which the undertaking of the Corporation has vested by virtue of this Act and enforceable as fully and effectually as if instead of the Corporation, the Company had been named therein or had been a party thereto.

(4) Any proceeding or cause of action pending or existing immediately before the appointed day by or against the Corporation in relation to its undertaking may, as from the appointed day, be continued and enforced by or against the Company in which the undertaking of the Corporation has vested by virtue of this Act as it might have been enforced by or against the Corporation if this Act had not been enacted and shall cease to be enforceable by or against the Corporation.

5. *Concession, etc., to be deemed to have been granted to the Company.* — With effect from the appointed day, all fiscal and other concessions,

licences, benefits, privileges and exemptions granted to the Corporation in connection with the affairs and business of the Corporation under any law for the time being in force shall be deemed to have been granted to the Company.

6. *Tax exemption or benefit to continue to have effect.* — (1) Where any exemption from, or any assessment with respect to, any tax has been granted or made or any benefit by way of set off or carry forward of any unabsorbed depreciation or investment allowance or other allowance or loss has been extended or is available to the Corporation under the Income-tax Act, 1961, such exemption, assessment or benefit shall continue to have effect in relation to the Company. 43 of 1961

(2) Where any payment made by the Corporation is exempt from deduction of tax at source under any provision of the Income-tax Act, 1961 such exemption will continue to be available as if the provisions of the said Act made applicable to the Corporation were operative in relation to the Company. 43 of 1961

(3) The transfer and vesting of the undertaking or any part thereof in terms of section 3 shall not be construed as a transfer within the meaning of the Income-tax Act, 1961 for the purposes of capital gains. 43 of 1961

7. *Guarantee to be operative* — Any guarantee given for or in favour of the Corporation with respect to any loan, lease finance or other assistance shall continue to be operative in relation to the Company.

8. *Provisions in respect of officers and other employees of Corporation.* — (1) Every officer or other employee of the Corporation (except a Director of the Board, Chairman or Managing Director) serving in the employment immediately before the appointed day shall, in so far as such officer or other employee is employed in connection with the undertaking which has vested in the Company by virtue of this Act, become, as from the appointed day, an officer or, as the case may be, other employee of the Company and shall hold his office or service therein by the same tenure, at the same remuneration, upon the same terms and conditions, with the same obligations and with the same rights and privileges as to leave, leave fare concession, welfare scheme, medical benefit scheme, insurance, provident fund, other funds, retirement, voluntary retirement, gratuity and other benefits as he would have held under the Corporation if its undertaking had not vested in the Company and shall continue to do so as an officer or, as the case may be, other employee of the Company or until the expiry of a period of six months from the appointed day if such officer or other employee opts not to continue to be the officer or other employee of the Company within such period.

(2) Where an officer or other employee of the Corporation opts under sub-section (1) not to be

in employment or service of the Company, such officer or other employee shall be deemed to have resigned.

(3) Notwithstanding anything contained in the Industrial Disputes Act, 1947 or in any other law for the time being in force, the transfer of the services of any officer or other employee of the Corporation to the Company shall not entitle such officer or other employee to any compensation under this Act or under any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority.

14 of 1947

(4) The officers and other employees who have retired before the appointed day from the service of the Corporation and are entitled to any benefits, rights or privileges shall be entitled to receive the same benefits, rights or privileges from the Company.

(5) The trusts of the provident fund or the gratuity fund of the Corporation and any other bodies created for the welfare of officers or employees would continue to discharge their functions in the Company as was being done hitherto in the Corporation and any tax exemption granted to the provident fund or the gratuity fund would continue to be applied to the Company.

1 of 1956

(6) Notwithstanding anything contained in this Act or in the Companies Act, 1956 or in any other law for the time being in force or in the regulations of the Corporation, no Director of the Board, Chairman, Managing Director or any other person entitled to manage the whole or substantial part of the business and affairs of the Corporation shall be entitled to any compensation against the Corporation or the Company for the loss of office or

for the premature termination of any contract of management entered into by him with the Corporation.

9. *Act 18 of 1891 to apply to the books of the Company.* — The Company shall be deemed to be a bank for the purposes of the Bankers Books Evidence Act, 1891.

10. *Shares, bonds and debentures to be deemed to be approved securities.* — Notwithstanding anything contained in any other law for the time being in force, the shares, bonds and debentures of the Company shall be deemed to be approved securities for the purposes of the Indian Trusts Act, 1882, the Insurance Act, 1938 and the Banking Regulation Act, 1949.

2 of 1882

4 of 1938

10 of 1949

11. *Repeal and saving of Act 15 of 1948.* — (1) On the appointed day, the Industrial Finance Corporation Act, 1948 shall stand repealed.

(2) Notwithstanding the repeal of the Industrial Finance Corporation Act, 1948, the Company shall, so far as may be, comply with the provisions of sections 33, 34, 34A, 35 and 43 of the Act so repealed for any of the purposes related to the annual accounts of the Corporation.

15 of 1948

12. *Repeal and saving.* — (1) The Industrial Finance Corporation (Transfer of Undertaking and Repeal) Ordinance, 1993 is hereby repealed.

Ord. 5 of 1993

(2) Notwithstanding the repeal of the Industrial Finance Corporation (Transfer of Undertaking and Repeal) Ordinance, 1993, anything done or any action taken under the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of this Act.

Ord. 5 of 1993